

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARK JULIAN BETHUNE,	:	Civil No. 1:24-CV-01364
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CORRECTIONAL OFFICER	:	
IAGAVINO, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

ORDER

AND NOW, on this 18th day of February, 2025, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

1. Plaintiff's motion to amend his complaint, Doc. 25, is **GRANTED**.
2. The Clerk of Court is directed to file Doc. 25-2 as a separated document titled "amended complaint." This will be the operative complaint in the above-captioned action.
3. All claims raised against Defendant Harry are **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
4. The Clerk of Court is directed to add Defendants Gourley, Nicklow, Kendall, and Comeaux as parties to this action on the docket in CM/ECF.
5. In accordance with Federal Rule of Civil Procedure 4(c)(3), the Clerk of Court shall serve a copy of the amended complaint, Doc. 25-2, notice of lawsuit and request to waive service of summons (form AO 398), waiver of service of summons (form AO 399) and this Order on Defendants Gourley, Nicklow, Kendall, and Comeaux. In the interest of efficient administrative judicial economy, the court requests that these Defendants waive service pursuant to Federal Rule of Civil Procedure 4(d).

6. If service is unable to be completed due to Plaintiff's failure to properly name the Defendants, or provide a correct mailing address, Plaintiff will be required to correct this deficiency. Failure to comply may result in the dismissal of Plaintiff's claims against the Defendants pursuant to Federal Rule of Civil Procedure 4(m).
7. Defendants shall file an answer to the amended complaint within **sixty (60) days** of the waiver of service being served by the court on the three additional defendants set forth in paragraph 5 above.
8. Defendant Wanga's motion to dismiss, Doc. 20, is **DENIED** as moot.
9. Plaintiff's motion for an extension of time, Doc. 28, is **DENIED** as moot.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Judge
Middle District of Pennsylvania